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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,497	07/18/2001	Shu Yamaguchi		4197

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EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 03/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/889,497

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Lorna M. Douyon

Art Unit

1751

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☒ Applicant's reply has overcome the following rejection(s): the 35 U.S.C. 112, second paragraph rejection of claim 11.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.Claim(s) objected to: None.Claim(s) rejected: 1-8 and 11.Claim(s) withdrawn from consideration: None.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

*Lorna M. Douyon*  
Lorna M. Douyon  
Primary Examiner  
Art Unit: 1751

Continuation of 5. does NOT place the application in condition for allowance because:

of the same reasons set forth in the final rejection. In addition, with respect to the rejection based upon Van Dijk, applicants argue that the present invention is limited to detergent compositions having a very particular particle size distribution and low temperature dispersibility even when the composition stands in cold water for a long period of time, which properties are neither taught nor suggested by Van Dijk.

The Examiner respectfully disagrees with this argument because Van Dijk teaches detergent composition which has overlapping bulk density, surfactant and sodium carbonate contents as those of the present claims, and also teaches in page 4, second full paragraph, that it is the aim of the invention to provide a detergent composition which has a high activity of detergent active ingredients which also has properties of rapidly and completely dissolving in water. In the abstract, Van Dijk also teaches that the detergent composition has good dispensing and dissolution properties. On page 28, lines 3-7, Van Dijk also teaches sieving the base powder to remove coarse fraction and fines. Hence, Van Dijk discloses or suggests the properties as those recited.

With respect to the rejection based upon Wilkinson or Appel, separately, Applicants argue that Applicant is not attempting to distinguish over Wilkinson or Appel based on the chemical nature of the detergent, instead, Applicant relies on the discovery that a particular particle distribution-obtained by the complex classification procedure reflected in the claim-provides detergent compositions that have unexpected and beneficial properties that are found in conventional detergent such as those found in Wilkinson or Appel.

The Examiner respectfully disagrees with the above argument because in col. 1, lines 56-60, Wilkinson teaches that the present invention provides a nonionic, or mixed nonionic/anionic, surfactant system having a specific viscosity profile which can be formed into a solid particulate which does not cake during storage, which dissolves rapidly and has an excellent performance profile. See also col. 2, lines 36-37 and col. 5, lines 19-22. In col. 13, lines 43-46, Wilkinson also teaches that the granular composition generally has a particle size distribution in the range of 250 to 1200 microns and a bulk density of at least 650 g/l. In col. 20, lines 35-52, Wilkinson also teaches finished composition showing its particle size distribution, has a bulk density of 850 g/l and exhibits very high rates of dissolution. Hence, Wilkinson also suggests properties as those recited. With respect to Appel, in Example 1 under cols 8-9, Appel teaches a detergent base powder comprising ingredients with proportions and bulk density as those recited and also teaches that the granulate is passed to a fluidised bed for cooling and elutriation of fine particles, hence, would have a particle size distribution and solubility within those recited.